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April 23, 2013

**BY ECF**

The Honorable William F. Kuntz II  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Mohammad Ajmal Choudhry,  
13 Cr. 150 (WFK)

Dear Judge Kuntz:

This letter responds to the government's April 23, 2013, letter in regard to Mr. Choudhry's bail application. Certainly eight persons whom Pre-Trial Services has qualified as "financially responsible," along with six others for whom "moral suasion" applies, should be sufficient with respect to *any* bail application.

In addition, with respect to property, the Pre-Trial Services Report notes that Syed Nabil also pledged property, but did not have documentation with him. Upon information and belief, Mr. Nabil has mailed that documentation to Pre-Trial Services.

In addition, my office has spoken with two other potential suretors who have property available to post. Ms. Dinean Ditolla, who was interviewed in connection with the Report, is willing to post the \$150,000 of equity she owns in her home, which is worth approximately \$450,000. Ms. Ditolla has already provided Pretrial Services with proof of her ownership and equity in this property.

Also, Mr. Choudhry's life-long family friend from Pakistan, Abid Malik, is willing to sign the bond and post property. Mr. Malik, a resident of Fort Worth, Texas, is a U.S. citizen and has lived in the United States for the past 22 years. His income for 2012 was approximately \$600,000, and he is worth approximately \$7,000,000. Mr. Malik owns many gas stations in the Fort Worth area and he is willing to post up to \$1,000,000 in equity in one or more of these gas stations. Mr. Malik has also offered to come to New York to be interviewed by Pretrial Services,

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and to sign the bond, if necessary.

Moreover, the government's efforts, in some cases successful, to interview potential suretors is objectionable for several reasons. Pre-Trial Services is responsible for such interviews, and the prosecution's purpose – not communicated to those interviewed – is simply to undermine Mr. Choudhry's bail application at all costs (since the government's position is *detention*, and *not* that Mr. Choudhry's suretors are insufficient in number or quality).

Also, there is no requirement that a suretor be advised of intricate details of the allegations against a defendant, or even the formal charges themselves, and if the Court deems that necessary, it should be the Court, or Pre-Trial Services, or the clerk in administering the admonitions, who provides such information to suretors, and not agents of the prosecution in an unmonitored setting. Clearly, the government, which, again, is committed to detention, and not a bail package that meets some standard, provided any such information – which may not be accurate, and which Mr. Choudhry has steadfastly denied – to discourage suretors from signing or pledging property on Mr. Choudhry's behalf. In addition, such approaches to members of an immigrant Muslim community, some of whom do not speak or understand English very well, has an undue capacity for intimidation in the current political and law enforcement environment.

Accordingly, it is respectfully submitted that an appropriate bail package can be fashioned by the Court. If there are any questions about suretors, the Court should inquire of them directly, and if there are questions about property, that should be addressed with the owners directly as well.

Respectfully submitted,



Joshua L. Dratel

JLD/  
Encls.

cc: Margaret E. Gandy  
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Assistant United States Attorneys